

# **Exhibit 5**

1 UNITED STATES DISTRICT COURT  
2 FOR THE EASTERN DISTRICT OF MISSOURI  
3 EASTERN DIVISION  
4

5 GEORGE MOORE and VIRGINIA ) CASE NO.  
6 CARTER, et al. on behalf of ) 4:18-cv-01962-SEP  
7 themselves and all others )  
8 similarly situated, )  
9 Plaintiffs, )  
10 v. )  
11 COMPASS GROUP USA, INC., D/B/A )  
12 CANTEEN, )  
13 Defendant. )  
14 \_\_\_\_\_ )

15 VIDEOCONFERENCE DEPOSITION OF MARTHA MORGAN  
16 VOLUME II  
17 Minneapolis, Minnesota  
18 Wednesday, May 10, 2023  
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24 Reported via Zoom by: Jennifer K. Abe, CSR No. 10753  
25 Certified Shorthand Reporter

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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

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| GEORGE MOORE and VIRGINIA      | ) | CAUSE NO.         |
| CARTER, et al. on behalf of    | ) | 4:18-cv-01962-SEP |
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|                                | ) |                   |
| Plaintiffs,                    | ) |                   |
|                                | ) |                   |
| v.                             | ) |                   |
|                                | ) |                   |
| COMPASS GROUP USA, INC., D/B/A | ) |                   |
| CANTEEN,                       | ) |                   |
|                                | ) |                   |
| Defendant.                     | ) |                   |
| _____                          | ) |                   |

Continued Videoconference Deposition of  
MARTHA MORGAN, Volume II, taken before Jennifer K. Abe, a  
Certified Shorthand Reporter for the State of California,  
beginning at 8:00 a.m. PST and ending at 10:12 a.m. PST,  
on Wednesday, May 10, 2023. This deposition is being  
taken via Veritext Virtual, and all parties, the witness,  
and the court reporter are appearing remotely.

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1           Q     Okay. And if -- and, again, I'm only going to  
2           focus on that first spreadsheet that you and I talked  
3           about back in June of 2021 for now. Okay?

4                     If, in fact, in that spreadsheet there was an  
5           "N" in that column, did that mean that someone, some  
6           person, had physically gone to that machine, determined  
7           that it did not have what you're calling a cash discount  
8           sticker on it, and then input that data into the app that  
9           you described to me earlier?

10                    MS. MUELLER: I'm going to object.

11                    Robert, you're asking her about something you  
12           guys discussed two years ago. As you've said, there have  
13           been a bunch of iterations.

14                    MR. PARTAIN: Nicole, stop. I'll withdraw it.

15                    MS. MUELLER: If you know what he's talking  
16           about, you can answer. But if you have any questions, I  
17           just want to make sure you're clear on what you're being  
18           asked.

19                    MR. PARTAIN: Nicole, I'll withdraw it. I'll do  
20           it different. Okay?

21                    MS. MUELLER: Okay.

22           BY MR. PARTAIN:

23           Q     Focused on that first spreadsheet that you and I  
24           talked about before -- and I'm going to put it up here in  
25           a minute -- if there was an "N" in that cash discount

1 sticker Y/N column, does that mean that someone  
2 physically determined there was no sticker on that  
3 machine?

4 A Correct.

5 Q And if there was a "Y," does that mean that  
6 someone physically determined there was a cash discount  
7 sticker on that machine?

8 A Yes.

9 Q Alright. And I thank you also -- well, I forget  
10 if you told me.

11 They also took a picture of the machine when  
12 they were there; is that right?

13 A Yes. More than one picture.

14 Q Okay. They took pictures of the machines when  
15 they were in front of it; correct?

16 A Correct.

17 Q Alright. Did all the machines that were  
18 currently -- and by "currently," I mean during that time  
19 period of March 25th, 2019, to February 29th, 2020 -- did  
20 all of Canteen's machines that were currently generating  
21 two-tier revenue get surveyed during that initial  
22 remediation period that you called it?

23 A I can't answer that would be 100 percent. No.

24 Q The answer is "no" or you can't answer?

25 A I can't answer that. You're asking a

1 question -- could you repeat your question? Repeat your  
2 question, please.

3 Q Okay. For all the machines across the United  
4 States that Canteen had that were generating two-tier  
5 revenue during that what you called "the initial  
6 remediation period," were all of those machines surveyed  
7 and determined to either have a label or not have a label  
8 during that period?

9 A And I cannot answer that all were. It was our  
10 intention, but I cannot say all were surveyed.

11 Q Okay. We're going to come back to that in a  
12 little bit.

13 Now, did the survey -- and by "survey," I don't  
14 mean to use a term of art. I'm actually happy that you  
15 called it "the initial remediation period" because it  
16 will allow me to differentiate that today with what  
17 happened after February 29th, 2020.

18 Did the survey continue after the initial  
19 remediation period?

20 A Yes.

21 Q And what was the purpose of that?

22 A We determined as a business practice that we  
23 would document each machine before it was placed at a  
24 customer's location with the survey as the tool to do  
25 that documentation.

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CERTIFICATION

OF

CERTIFIED SHORTHAND REPORTER

I, the undersigned, a Certified Shorthand Reporter of the State of California do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were placed under oath; that a verbatim record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; further, that the foregoing is an accurate transcription thereof.

I further certify that I am neither financially interested in the action nor a relative or employee of any attorney of any of the parties.

IN WITNESS WHEREOF, I have this date subscribed my name.

Dated: June 1, 2023



Jennifer K. Abe

CSR No. 10753